

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:24-cv-00004-MR**

SOMCHAI NOONSAB,

Petitioner,

vs.

STATE OF NORTH CAROLINA,

Respondent.

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ORDER

THIS MATTER is before the Court on the pleading submitted by Somchai Noonsab (“the Petitioner”) on January 4, 2024, which this Court construes as a Petition for Writ of Habeas Corpus in accordance with 28 U.S.C. § 2254. [Doc. 1].

The Petitioner is a prisoner of the State of North Carolina, incarcerated at Franklin Correctional Center in Franklin County, North Carolina. The Petitioner is serving a sentence following his criminal conviction in Wake County, North Carolina. As best as can be discerned from the pleading, the Petitioner appears to challenge his state court conviction and the state court’s jurisdiction over him. [Doc. 1].

State prisoner habeas corpus petitions may be brought either in the federal judicial district in which the state court of the conviction is located or in the district of confinement. See 28 U.S.C. § 2241(d). The Petitioner's place of conviction and place of confinement are both located in the Eastern District of North Carolina. In accordance with 28 U.S.C. § 2241(d) and joint order of the United States District Courts for the Eastern, Middle and Western Districts of North Carolina (Joint Order, In re: Applications for Writs of Habeas Corpus (Oct. 26, 1966)), the Court shall transfer this action to the United States District Court for the Eastern District of North Carolina, where venue is proper.

This Court has not conducted an initial review of the petition and makes no observation as to its merits or timeliness. **The Court, however, admonishes Plaintiff against filing any further improper actions with this Court seeking relief unavailable here. This is the fifth such action filed by Petitioner since 2020.¹ Any further such attempts by Petitioner may be summarily stricken and/or subject Petitioner to a pre-filing injunction in this Court.**

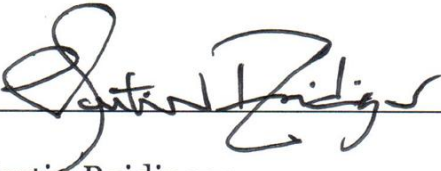
¹ See W.D.N.C. Case Nos. 1:20-cv-00401-MR, 1:22-cv-00109-MR, 1:22-cv-00213-MR, 1:22-cv-00255-MR, 1:24-cv-00004-MR.

IT IS, THEREFORE, ORDERED that:

1. This action is transferred to the Eastern District of North Carolina.
2. The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: January 22, 2024



Martin Reidinger
Chief United States District Judge

